

REMARKS

I. Status of Claims

Claims 11-28 are pending in this application. In the present Amendment, claims 11, 13, 15, 19, 23, and 25 have been amended. Applicants have not introduced any new matter by the amendment, nor are any estoppels intended thereby. Further, the amendment does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner.

II. Specification

A. Abstract

The Examiner objected to the Abstract of the present application because "it fails to be in the form of a single paragraph." Office Action, page 2. In the present Amendment, the Abstract has been amended to be in one paragraph, *i.e.*, merging the previous two paragraphs into one paragraph. No new matter is introduced by the amendment.

B. The First Paragraph

The Examiner further objected to the present specification because "the status of the present application Ser. No. 10/073,330 is not updated to reflect its current status as U.S. Patent No. 6,617,359." *Id.* at page 2. In the present Amendment, the specification has been amended to reflect the current status of the Application No. 10/073,330 as U.S. Patent No. 6,617,359 B2.

Accordingly, Applicants respectfully request the objections be withdrawn.

III. Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 11-28¹ under 35 U.S.C. §112, first paragraph, because “the application, while being enabling to a method for treating the variety of diseases and/or conditions in a mammal suffering from such disease[s] and/or disorder[s], does not reasonably provide enablement for a method of treating, in general, a patient who suffers from the above mentioned diseases and/or disorders[.]” Office Action, page 2. Therefore, the Examiner suggested to amend, for example, Claim 11 (in part), from “[a] method of treating a mammal suffering from a cardiovascular disease, which method comprises . . .” to “[a] method for treating [a] cardiovascular disease in a mammal suffering therefrom, which method comprises . . .” *Id.* at page 5.

Applicants respectfully submit that, as Applicants understand and intend, the phrase “a method of treating a mammal suffering from a cardiovascular disease” in Claim 11, for example, means the same as the phrase “a method of treating a cardiovascular disease in a mammal suffering therefrom.” However, to facilitate the prosecution of this application, in the present Amendment, Applicants have amended all relevant claims, *i.e.*, claims 11, 13, 15, 19, 23, and 25, according to the language suggested by the Examiner. Therefore, Applicants respectfully request this rejection be withdrawn.

¹ In the Office Action, page 2, the Examiner stated that “[c]laims 1-6 are rejected under 35 U.S.C. §112, first paragraph.” However, the Examiner acknowledged that claims 1-10 have been canceled according to the Preliminary Amendment filed on July 21, 2003, at page 2 of the Office Action, and indicated that Claims 11-28 are rejected at page 1 of the Office Action. Therefore, Applicants reasonably believe that the Examiner made an error and intended to reject claims 11-28, instead of claims 1-6, under 35 U.S.C. §112, first paragraph. Accordingly, Applicants respectfully request the Examiner clarify the record.

IV. Obviousness-Type Double Patenting Rejection

The Examiner rejected claims 11-28 "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-27 of U.S. Patent No. 6,617,359 (Wohlfart et al.)." Office Action, page 5.

Applicants respectfully disagree with this rejection. However, to facilitate the prosecution of this application, a Terminal Disclaimer over U.S. Patent No. 6,617,359 is concurrently filed herewith to obviate this rejection. Accordingly, in view of the Terminal Disclaimer, Appellants respectfully request that this rejection be withdrawn.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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